



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: ARNOLD et al.

Attorney Docket No.: SRI1P013X1
(US3879-3)

Application No.: 09/518,753

Examiner: Unknown

Filed: March 3, 2000

Group: Unknown

Title: METHOD AND APPARATUS FOR
UPDATING INFORMATION IN A LOW-
BANDWIDTH CLIENT/SERVER OBJECT-
ORIENTED SYSTEM

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, DC 20231 on August 11, 2000.

Signed: Lara M. Nelson
Lara M. Nelson

**DECLARATION OF FACTS IN SUPPORT OF APPLYING ON BEHALF OF
NONSIGNING INVENTOR
Pursuant to 37 C.F.R. §1.47 (a)**

Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

Dear Sir:

This declaration is made as to the facts that are relied upon to establish the *bona fide* effort made to secure the execution of the Declaration for the above-identified patent application by the nonsigning inventor. This declaration is being made by the available person having first-hand knowledge of the facts recited therein.

I, Steve D Beyer, do hereby declare:

1. I am a patent attorney who prepared and filed the above referenced application. In this application and in this petition under 37 CFR 1.47, I am representing the interests of SRI International.

2. Upon information and belief, the subject matter of the application was conceived and developed by James F. Arnold, D. Scott Seaton, Carla P. Woodworth, Michael W. Frandsen, and Nathan W. Williams (the inventors) while employed by SRI International.
3. On June 13, 2000, Peggy A. Su, a Patent Agent at our law firm, sent a letter to Mr. Steven Weiner, the Director of Intellectual Property at SRI International, enclosing a copy of the application as filed, a Declaration and Power of Attorney for Original U.S. Patent Application ("Declaration"), and an Assignment of Patent Application ("Assignment"), and requesting the inventors sign the Declaration and Assignment and return the papers to our office for filing with the U.S. Patent Office. A copy of this letter is attached as Exhibit A, hereto.
4. On July 11, 2000, Peggy A. Su received a letter from Mr. Edward E. Davis, Manager of the Intellectual Property Office at SRI International, stating that Mr. Nathan Williams, one of the named inventors, would not sign the Declaration or the Assignment. A copy of this letter is attached as Exhibit B, hereto.
5. All inventors, except Mr. Williams, have signed declarations for the application and assignments of the application to SRI International.
6. On July 11, 2000, I spoke with Mr. Williams by telephone, and he indicated to me that he would not sign a declaration or an assignment for the above referenced application. Mr. Williams indicated that his refusal to sign the declaration was due to an apparent dispute with SRI International, and his desire to prevent SRI International from obtaining a patent for the above referenced application so that he and/or others would be free to utilize concepts associated with the above referenced application in the future.
7. On July 14, 2000, I sent a letter, dated July 13, 2000, to Mr. Williams at 1401 University Street, Helena, MT 59601-6061 (an address provided to me by Mr. Williams during the telephone conversation of July 11, 2000) via certified mail

with return receipt, enclosing a copy of the application as filed, the Declaration, and the Assignment. I requested that he review the application, then sign the Declaration and Assignment, and return the papers to me by July 25, 2000 for filing with the U.S. Patent Office. In my letter, I outlined what Mr. Williams had indicated to me during our telephone conversation of July 11, 2000. A copy of my letter of July 13, 2000 is attached as Exhibit C, hereto.

8. On about July 24, 2000, I received a return receipt postcard, signed by Mr. Williams, which indicates that he received my letter of July 13, 2000, along with a copy of the application as filed, the Declaration, and the Assignment. A copy of the return receipt postcard is attached as Exhibit D, hereto.
9. As of July 25, 2000 I had not received a reply to my letter of July 13, 2000.
10. On July 27, 2000, I received a facsimile from Mr. Edward E. Davis, Manager of the Intellectual Property Office of SRI International, which included an Employment Agreement and a Termination Agreement for Mr. Williams. Both the Employment Agreement and the Termination Agreement were signed by Mr. Williams, and state that Mr. Williams agrees to comply with every reasonable request of SRI International, or its nominee, for assistance in obtaining and enforcing patents. The Employment Agreement and the Termination Agreement further state that termination of employment with SRI international does not release Mr. Williams from these obligations. A copy of the facsimile with the Employment Agreement and the Termination Agreement is attached as Exhibit E, hereto.
11. On August 1, 2000, I sent a second letter to Mr. Williams at 1401 University Street, Helena, MT 59601-6061 via certified mail with return receipt, enclosing a copy of the application as filed, the Declaration, the Assignment, the Employment Agreement, and the Termination Agreement. I requested that he review the application, sign the Declaration and Assignment, and return the papers to me by August 10, 2000 for filing with the U.S. Patent Office. A copy of my letter of August 1, 2000 is attached as Exhibit F, hereto.

12. On August 7, 2000, I received a return receipt postcard, signed by Mr. Williams, which indicates that he received my letter of August 1, 2000, along with a copy of the application as filed, the Declaration, the Assignment, the Employment Agreement, and the Termination Agreement. A copy of the return receipt postcard is attached as Exhibit G, hereto.
13. As of August 10, 2000, I had not received a reply to my letter of August 1, 2000.
14. Based on these unsuccessful attempts to obtain Mr. Williams' signature on the assignment and the declaration documents, and based on Mr. Williams' representations to me during our telephone conversation of July 11, 2000, I believe that Mr. Williams will not, and will continue to not, sign the assignment and the declaration documents.
15. The joint inventors have signed declarations and assignments leaving blank Mr. Williams' signature blocks. Thus, these signed declarations should be treated as having been signed by all the available joint inventors on behalf of Mr. Williams per 37 CFR 1.47(a) and MPEP409.03(a)(1).
16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Steve D Beyer
Reg. No. 31,234

Dated: August 11, 2000